

## **RESOLUTION DETERMINING NEED**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE A FEE SIMPLE INTEREST AND MINERAL INTEREST TO A DEPTH OF 1500 FEET IN CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE A FEE SIMPLE INTEREST AND MINERAL INTEREST TO A DEPTH OF 1500 FEET IN PROPERTY FOR THE LANDFILL PROJECT; AND ESTABLISHING PROCEDURES FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN PROPERTY.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the parcel in which a fee simple interest including the mineral interest will be acquired to a depth of 1500 feet for the location of a solid waste landfill Project; and

WHEREAS, there may be improvements located on the real property in which an interest is acquired for this project, and such improvements may be required to be moved or demolished prior to the beginning of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the municipal solid waste facility Project, and the public welfare and convenience will be served by the acquisition of a fee simple interest and mineral interest in the property described in the metes and bounds field notes in Exhibit "A" attached hereto and made a part hereof for all purposes.
- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a land agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of a right-of-way in property for the municipal solid waste facility Project.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for a fee simple interest in said parcels.

- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of right-of-way in the parcels.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of a fee simple interest including the minerals down to a depth of 1500 feet, the City's Land Agent is authorized to communicate a written offer to the owners of said parcels for the acquisition of right-of-way in said parcels at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.
- PART 6: That the Mayor after approval by City Council is hereby authorized to execute all documents necessary to acquire right-of-way in each of the parcels needed for said project, on behalf of the City of College Station.
- PART 7: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, located on the real property acquired in connection with this project.
- PART 8: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2001.

ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
LYNN McILHANEY, Mayor

APPROVED:

  
\_\_\_\_\_  
HARVEY CARGILL, JR., City Attorney

**FIELD NOTES**  
**365.97 ACRE TRACT**  
**OUT OF THE**  
**NANCY CAPLEN CALLED 10 ACRE TRACT (52/612),**  
**JILL HYBNER ET AL CALLED 90 ACRE AND CALLED 373 ACRE TRACTS (8401445)**  
**& THE HAROLD B. TRANT CALLED 97 ACRE TRACT (6731672)**  
**J. ROBINSON SURVEY, A - 390**  
**GRIMES COUNTY, TEXAS**  
**AUGUST, 2001**

All that certain lot, tract or parcel of land being 365.97 acres situated in the JOSEPH T. ROBINSON SURVEY, Abstract No. 390, Grimes County, Texas and being a part or all of the following described tracts:

- 1) The Nancy J. **Caplen** Called 10 acre tract as described in deed from C. C. Smith et ux to Nancy J. **Caplen** of record in Volume 52, Page 612, Deed Records of Grimes County, Texas.
- 2) The Jill Marguerite Hybner et al Called 90 acre tract and Called 373 acre tract as described in deed from Betty L. Hybner to Jill Marguerite Hybner of record in Volume 840, Page 445, Deed Records of Grimes County, Texas.
- 3) The Harold B. Trant et al Called 97 acre tract as described in Final Judgment to Harold B. Trant et al of record in Volume 673, **Page** 672, Deed Records of Grimes County, Texas.

said 365.97 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod found at the intersection of the south right-of-way line of STATE HIGHWAY NO. 30 and the calculated west line of said Hybner Called 373 acre tract for the northwest corner, said corner being located in the calculated east line of the Harold B. Trant Called 40 acre tract as described in Volume 673, Page 672 and referenced in Volume 195, Page 433 and Volume 118, Page 351;

THENCE along the south right-of-way line of said STATE HIGHWAY NO. 30 around a curve in a counterclockwise direction having a delta angle of 04 ° 48 ' 53 " , an arc distance of 486.51 feet, a radius of 5789.58 feet, and a chord of N 81 ° 31 ' 37 " E, a distance of 486.36 feet to a 1/2" Iron Rod set for the point of tangency of said curve;

THENCE N 79 ° 07 ' 11 " E, continuing along said south right-of-way line a distance of 377.51 feet to a 1/2" Iron Rod set for a point of curvature in said right-of-way line;

THENCE continuing along said south right-of-way line around a curve in a clockwise direction having a delta angle of 24 ° 46 ' 39 " , an arc distance of 801.88 feet, a radius of 1854.27 feet, and a chord of S 88 ° 29 ' 23 " E, a distance of 795.65 feet to a 1/2" Iron Rod set for the point of tangency of said curve;

THENCE S 76 ° 05 ' 57 " E, continuing along said south right-of-way line a distance of 2052.02 feet to a 1/2" Iron Rod set at the intersection of the south right-of-way line of said STATE HIGHWAY NO. 30 and the occupied east line of said Hybner Called 373 acre tract for the **northeast** corner, said corner also being the northwest corner of the Carole Faye Sonmor Called 27.5 acre tract as described in Volume 607, Page 557;

THENCE along the occupied most northerly east line of said occupied Hybner Called 373 acre tract the following calls:

S 3 ° 51 ' 30 " E, along the west line of said Called 27.5 acre tract a distance of 847.50 feet to a 2" Iron Pipe found for angle point, said corner being the southwest corner of said Called 27.5 acre tract and also being the northwest corner of the Z. M. Courtney Called 13.5 acre tract as described in Volume 124, Page 119;

EXHIBIT A

S 1 ° 24 ' 53 " E, along the west line of said Called 13.5 acre tract a distance of 686.02 feet to a 1/2" Iron Rod found for angle point, said corner being the southwest corner of said Called 13.5 acre tract and also being the northwest corner of the TMPA Called 140.188 acre tract as referenced in Volume 582, Page 172; and,

S 1 ° 23 ' 23 " E, along the west line of said Called 140.188 acre tract a distance of 1915.60 feet to a 1" Iron Pipe found for an exterior corner, said corner being an exterior corner of said occupied Hybner Called 373 acre tract and also being an interior corner of said Called 140.188 acre tract;

THENCE S 45 ° 15 ' 46 " W, along a common line between said Hybner 373 acre tract and said Called 140.188 acre tract a distance of 3.54 feet to a 5/8" Iron Rod found for an exterior corner, said corner being the southwest corner of said Called 140.188 acre tract, and also being located in the north line of the TMPA Called 50.771 acre tract as referenced in Volume 598, Page 146;

THENCE S 88 ° 29 ' 42 " W, along the north line of said Called 50.771 acre tract at a distance of 39.61 feet passing the northwest corner of said Called 50.771 acre tract and the northeast corner of the TMPA Called 50.506 acre tract as referenced in Volume 598, Page 152 and continuing along the north line of said Called 50.506 acre tract for a total distance of 1430.27 feet to a 1/2" Iron Rod set for an interior corner, said corner being the northwest corner of said Called 50.506 acre tract;

THENCE S 1 ° 08 ' 47 " E, along the west line of said Called 50.506 acre tract a distance of 1158.46 feet to a 1" Iron Pipe found for the southeast corner, said corner being the occupied southeast corner of said Called 373 acre tract and also being the most northerly northeast corner of the TMPA Called 30.231 acre tract as referenced in Volume 197, Page 224;

THENCE S 88 ° 50 ' 07 " W, along the north line of said Called 30.231 acre tract a distance of 856.74 feet to a 1/2" Iron Rod found for angle point, said corner being the northwest corner of said Called 30.231 acre tract and also being the northeast corner of the Harold B. Trant Called 568.359 acre tract as described in Volume 673, Page 672;

THENCE S 88 ° 50 ' 27 " W, along the north line of said Called 568.359 acre tract a distance of 893.90 feet to a 1/2" Iron Rod set for the southwest corner, said corner being the southeast corner of said Called 97 acre tract;

THENCE N 1 ° 12 ' 12 " W, along the east line of said Called 97 acre tract a distance of 135.40 feet to a 1/2" Iron Rod set for corner;

THENCE generally along a fence line over and through said Called 97 acre tract the following calls:

N 14 ° 14 ' 43 " W, a distance of 190.90 feet to a 12" Post Oak found;

N 13 ° 11 ' 44 " W, a distance of 61.68 feet to an 8" Post Oak found;

N 10 ° 47 ' 06 " W, a distance of 192.87 feet to a Fence Corner found;

N 10 ° 33 ' 41 " W, a distance of 1240.63 feet to a Fence Corner found;

N 10 ° 27 ' 39 " W, a distance of 967.91 feet to a Fence Corner found;

N 7 ° 43 ' 02 " W, a distance of 421.80 feet to a Fence Corner found;

N 6 ° 41 ' 18 " W, a distance of 126.07 feet to a 1/2" Iron Rod set for exterior corner, said corner being located on a north line of said Called 97 acre tract and also being located on the south line of the Colby G. Muth Called 20.228 acre tract as described in Volume 745, Page 584;

THENCE N 87 ° 10 ' 10 " E, along said north line of 97 acre tract a distance of 11.95 feet to a 2" Iron Pipe found for an interior corner, said corner being an interior corner of said Called 97 acre tract and also being the southeast corner of said Called 20.228 acre tract;

THENCE N 1 ° 30 ' 46 " W, along the most northerly west line of said Called 97 acre tract and the east line of said Called 20.228 acre tract a distance of 1132.75 feet to a PETRIFIED WOOD Rock for angle point, said corner being the northwest corner of said Called 97 acre tract and the northeast corner of said Called 20.228 acre tract and also being the southwest corner of the Nancy Caplen Called 10 acre tract and the southeast corner of the Harold Trant Called 40 acre tract as described in Volume 673, Page 672;

THENCE N 0 ° 41 ' 38 " W, along the west line of said Called 10 acre and Called 373 acre tracts respectively and the east line of said Called 40 acre tract a distance of 633.80 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 365.97 ACRES OF LAND MORE OR LESS, according to a survey performed during the month of August, 2001, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. For north orientation and other information, see accompanying plat.

